

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SY-05 MCT-01 CIAE-00 DODE-00 PM-05
H-02 INR-10 L-03 NSAE-00 PA-02 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 /058 W
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O R 221345Z MAR 78
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC IMMEDIATE 7479
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

UNCLAS SECTION 1 OF 2 NICOSIA 0765

E.O. 11652: N/A
TAGS: PGOV, CY, US
SUBJECT: RELEASE ON REDUCTION OF SENTENCES FOR PERSONS
INVOLVED IN IMPLICATION IN DAVIES CASE

FOLLOWING IS TEXT OF GOC PRESS RELEASE BEING ISSUED AT NOON
LOCAL TIME MARCH 22?

QUOTE: WITH REFERENCE TO THE STATEMENT MADE ON BEHALF OF
THE STATE DEPARTMENT IN CONNECTION WITH THE JUDGEMENT OF THE
SUPREME COURT IN THE APPEAL OF IOANNIS KTIMATIAS AND
NEOPTOLEMOS LEFTIS AGAINST THEIR CONVICTION AND SENTENCED
IT IS CLARIFIED BY THE CYPRUS GOVERNMENT AS FOLLOWS:
BOTH ACCUSED WERE CHARGED BEFORE THE NICOSIA ASSIZE COURT
WITH HOMICIDE, THAT IS TO SAY THEY CAUSED THE DEATH OF
AMBASSADOR ROGER DAVIES AND ANTOINETTE VARNAVA IN THE COURSE
OF PURSUING A VIOLENT DEMONSTRATION AND ATTACK AGAINST THE
U.S.A. EMBASSY. THEY WERE ALSO CHARGED WITH VARIOUS OTHER
OFFENCES SUCH AS UNLAWFULLY CARRYING AN AUTOMATIC WEAPON,
USING AN AUTOMATIC WEAPON, TAKING PART IN THE RIOT AND
UNLAWFULLY ATTACKING THE BUILDING OF THE EMBASSY.
THE ASSIZE COURT DID NOT CALL UPON THE TWO ACCUSED TO
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DEFEND THEMSELVES ON THE COUNT OF HOMICIDE AND THEREFORE
ACQUITTED AND DISCHARGED THE ACCUSED ON THIS COUNT. HOW-
EVER THE ASSIZE COURT FOUND THE ACCUSED NO. 1 (IOANNIS
KTIMATIAS) GUILTY ON THE FOLLOWING OFFENCES:-
(I) UNLAWFULLY CARRYING AN AUTOMATIC WEAPON;
(II) USING AN AUTOMATIC WEAPON;
(III) TAKING PART IN THE RIOT OUTSIDE THE AMERICAN

EMBASSY;

(IV) UNLAWFULLY DAMAGIING THE BUILDING OF THE EMBASSY;
THE FOLLOWING SENTENCES WERE IMPOSED ON ACCUSED NO. 1:
FIVE YEARS IMPRISONMENT FOR THE OFFENCE IN PARAGRAPH (I)

ABOVE;

SEVEN YEARS IMPRISONMENT FOR THE OFFENCE IN PARAGRAPH (II)

ABOVE;

ONE YEAR OF IMPRISONMENT FOR THE OFFENCE IN PARAGRAPH (III)

ABOVE; AND

TWO YEARS IMPRISONMENT FOR THE OFFENCE IN PARAGRAPH (IV)
ABOVE.

ACCUSED NO. 2 (NEOPTOLEMOS LEFTIS) WAS FOUND GUILTY FOR THE
FOLLOWING OFFENCES:

(I) TAKING PART IN THE RIOT OUTSIDE THE AMERICAN EMBASSY;

(II) UNLAWFULLY CARRYING AN AUTOMATIC WEAPON.

THE FOLLOWING SENTENCES WERE IMPOSED ON ACCUSED NO. 2:-

ONE YEAR IMPRISONMENT FOR THE OFFENCE IN PARAGRAPH (I)

ABOVE; AND

FIVE YEARS IMPRISONMENT FOR THE OFFENCE IN PARAGRAPH (II)

ABOVE.

AN APPEAL WAS FILED BY THE TWO CONVICTED PERSONS

AND THE GOVERNMENT OF THE REPUBLIC THROUGH MESSERS. A.

EVANGELOU AND A. ANGELIDES, COUNSELS OF THE REPUBLIC, WHO

APPEARED FOR THE PROSECUTION AT THE TRIAL, OPPOSED THIS

APPEAL. THE SUPREME COURT, HOWEVER, FOUND THAT:

(1) AS REGARDS APPELANT 1 KTIMATIAS, HIS APPEAL AGAINST

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HIS CONVICTION OF THE OFFENCE OF FIRING AN AUTOMATIC WEAPON,
WAS ALLOWED BECAUSE THE EVIDENCE ON THE BASIS OF WHICH
HE WAS CONVICTED WAS SO CONFLICTING AND SELF-CONTRADICTIONARY
AS TO RENDER HIS CONVICTION UNSAFE. AS A RESULT THE
SENTENCE OF 7 YEARS IMPRISONMENT WHICH WAS IMPOSED ON HIM
IN RESPECT OF THIS OFFENCE WAS ANNULLED.

(2) ON THE OTHER HAND IT WAS HELD THAT -

(A) APPELANT KTIMATIAS WAS RIGHTLY CONVICTED FOR THE OFFENCE
OF RIOT AND THAT HE WAS RIGHTLY SENTENCED TO ONE YEAR
IMPRISONMENT; AND

(B) THAT IN VIEW OF HIS PARTICIPATION IN THE RIOT IN THE
COURSE OF WHICH DAMAGE WAS CAUSED TO THE BUILDING OF THE
U.S.A. EMBASSY HE WAS RIGHTLY CONVICTED OF HAVING CAUSED
SUCH DAMAGE AND ALSO THAT HE WAS RIGHTLY SENTENCED TO TWO
YEARS OF IMPRISONMENT.

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(3) AS REGARDS APPELANT 2 LEFTIS IT WAS HELD THAT HE WAS RIGHTLY CONVICTED FOR THE OFFENCE OF RIOT AND ALSO THAT HE WAS RIGHTLY SENTENCED TO ONE YEAR IMPRISONMENT.

(4) AS REGARDS BOTH APPELANTS IT WAS HELD THAT THEY WERE RIGHTLY CONVICTED FOR THE OFFENCE OF CARRYING UNLAWFULLY FIREARMS AT THE SCENE OF THE RIOT; HOWEVER, THE SUPREME COURT REDUCED THE SENTENCE OF FIVE YEARS IMPRISONMENT WHICH WAS IMPOSED ON THEM FOR THIS OFFENCE TO THREE YEARS IMPRISONMENT, IN VIEW OF THE FACT THAT DURING THE PERIOD IN QUESTION THE APPELANTS AS MEMBERS OF THE SECURITY FORCES OF THE REPUBLIC WERE NORMALLY ALLOWED TO CARRY FIREARMS ON OTHER OCCASIONS IN THE COURSE OF RESISTING THE TURKISH INVASION OF CYPRUS.

IT FOLLOWS FROM THE ABOVE THAT THE OFFENCES OF WHICH THE ACCUSED WERE CONVICTED AND SENTENCED WERE UNCONNECTED WITH "TERRORISM" IN THE ACCEPTED MEANING OF THAT EXPRESSION. THE LAW OF CYPRUS TAKES A VERY SERIOUS VIEW OF ACTS OF "TERROSISM" SUCH AS HIGH-JACKING WHICH BY RECENT LAW WAS MADE PUNISHABLE WITH LIFE IMPRISONMENT AND OFFENCES FOR THE UNLAWFUL SEIZURE OF AIRCRAFT WHICH WAS ALSO MADE PUNISHABLE WITH LIFE IMPRISONMENT.

FURTHERMORE IT SHOULD BE EMPHASIZED THAT UNDER THE

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CONSTITUTION OF THE REPUBLIC OF CYPRUS THE PRINCIPLE OF SEPARATION OF POWERS IS ADOPTED AND OPERATES IN THE SAME WAY AS IN THE U.S.A. THE JUDICIARY IS QUITE INDEPENDENT IN TIS OWN SPHERE AND NO OTHER BRANCH OF THE GOVERNMENT AND ESPECIALLY THE EXECUTIVE CAN IN ANY WAY INTERFERE WITH THE ADMINISTRATION OF JUSTICE. THE PROSECUTION,

HOWEVER, PRESENTED THE CASE BOTH BEFORE THE ASSIZE
COURT AND THE SUPREME COURT AGAINST THE ACCUSED WITH ALL
DUE FORCE. END QUOTE.
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